

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS J. LA CASSE,

Plaintiff,

v.

WELLS FARGO BANK, N.A., as Trustee
For Soundview Home Loan Trust
2007-OPT4, Asset-Backed Certificates,
Series 2005-OPT4; OCWEN LOAN
SERVICING, LLC; HOMEWARD
RESIDENTIAL, INC.; and AMERICAN
SECURITY INSURANCE COMPANY,

Defendants.

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Civil Action No. 15-13503-MGM

ORDER

July 22, 2016

MASTROIANNI, U.S.D.J.

This action was removed to this court on October 5, 2015. (Dkt. No. 1.) Plaintiff filed a motion for leave to file a second amended complaint¹ on March 21, 2016, the deadline for doing so under the court's Scheduling Order. (Dkt. Nos. 66, 67.) On April 8, 2016, the court denied Plaintiff's motion without prejudice because the proposed second amended complaint failed to comply with Rule 8 of the Federal Rules of Civil Procedure. (Dkt. No. 72.) Thereafter, on April 21, 2016, Plaintiff filed another motion for leave to amend the complaint, which the court allowed despite noting Defendants' objections that Plaintiff did not cure all the deficiencies previously identified by the court. (Dkt. No. 79.) Nevertheless, rather than filing the proposed second amended complaint for which leave to

¹ Plaintiff amended the complaint once in state court prior to removal. (Dkt. No. 21.)

file had been granted, Plaintiff filed yet another motion to amend on June 2, 2016, which the court allowed as unopposed on June 17, 2016. (Dkt. No. 81.) The court's order specifically directed Plaintiff's counsel² to "*now* file the document for which leave to file has been granted in accordance with CM/ECF Administrative Procedures." (*Id.* (emphasis added).) Plaintiff, however, did not do so. On July 11, 2016, the court ordered: "Plaintiff shall *immediately* file the Proposed Fourth Amended Complaint for which the court granted leave to file on June 17, 2016." (Dkt. No. 83 (emphasis added).) To date, Plaintiff still has not filed this document.

The court now Orders Plaintiff to file, in accordance with CM/ECF procedures, the proposed second amended complaint (Dkt. No. 80, Ex. 1) which the court has granted Plaintiff leave to file no later than 2:00 p.m. on July 26, 2016. Should Plaintiff fail to do so, he faces dismissal of this action due to failure to prosecute and failure to obey this Order. *See, e.g., Tower Ventures, Inc. v. City of Westfield*, 296 F.3d 43, 45 (1st Cir. 2002) ("[D]isobedience to court orders, in and of itself, constitutes extreme misconduct (and, thus, warrants dismissal)"); *Rosario-Diaz v. Gonzalez*, 140 F.3d 312, 315 (1st Cir. 1998) ("[A] litigant who ignores a case-management deadline does so at his peril.").

It is So Ordered.

/s/ Mark G. Mastroianni

MARK G. MASTROIANNI

United States District Judge

² As of April 22, 2016, Plaintiff has been represented by an attorney. (Dkt. No. 77.)